

Message Text

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PAGE 01 MANAGU 01454 282151Z
ACTION ARA-14

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FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC IMMEDIATE 6149

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E.O. 11652: NA
TAGS: PINT, NU
SUBJECT: EMBASSY COMMUNIQUE ON U.S. ASYLUM POLICY

REF: (A) MANAGUA 0622; (B) MANAGUA 0134

SUMMARY: THERE IS SIGNIFICANT MISUNDERSTANDING IN NICARAGUA ABOUT U.S. PRACTICE ON POLITICAL ASYLUM AND TEMPORARY REFUGEE. CONFUSION STEMS FROM REFUGE GRANTED TO CUBAN-AMERICANS IN JANUARY AND THE CURRENT CHARITON CASE, AS CONTRASTED WITH THE TWO U.S. CITIZENS WHO WENT FROM THE U.S. EMBASSY TO THE MEXICAN EMBASSY TO SEEK ASYLUM. EMBASSY BELIEVES AN IMMEDIATE CLARIFICATION IS NECESSARY IN LIGHT OF ACCUSATIONS RECENTLY MADE. END SUMMARY.

1. THE ISSUE OF THE TWO YOUTHS WHO SOUGHT EMBASSY PROTECTION AFTER ENGAGING IN REVOLUTIONARY ACTIVITIES IN FEBRUARY (REF A) HAS BECOME A PUBLIC ISSUE AS A RESULT OF AN OPEN LETTER TO AMBASSADOR WRITTEN BY A BROTHER OF ONE OF THE TWO YOUTHS. THE LETTER, WHICH HAS BEEN GIVEN LOCAL MEDIA COVERAGE AND COPIES OF WHICH HAVE BEEN SENT TO U.S. ADDRESSEES, SUGGESTS THE EMBASSY DISCRIMINATED BY NOT PROTECTING THESE PERSONS, BUT THAT IT DID PROTECT CHARITON AND THE CUBAN-AMERICANS (REF B) WHO, THE LETTER STATES, WERE KNOWN BY THE EMBASSY TO HAVE BEEN INVOLVED IN THE CHAMORRO ASSASSINATION.

2. TO CLARIFY OUR POSITION AND TO ANSWER THE CHARGES OF DISCRIMINATION, THE EMBASSY BELIEVES A PUBLIC RESPONSE IS NECESSARY.

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THE RELEASE OF THIS COMMUNIQUE WOULD ALSO SERVE TO DETER OTHERS FROM SEEKING POLITICAL ASYLUM IN THE EMBASSY.

3. SUGGESTED TEXT:

THE EMBASSY OF THE UNITED STATES OF AMERICA WISHES TO CORRECT AN

APPARENT MISUNDERSTANDING REGARDING ITS ABILITY TO PROVIDE POLITICAL ASYLUM. THE USG IS NOT A PARTY TO ANY INTERNATIONAL OR BILATERAL AGREEMENT WHICH PERMITS IT TO GRANT POLITICAL ASYLUM. THIS APPLIES TO ANY PERSON WITHOUT REGARD TO HIS OR HER NATIONALITY. HOWEVER, THE UNITED STATES OF AMERICA DOES RECOGNIZE AN HUMANITARIAN OBLIGATION TO PROVIDE TEMPORARY REFUGE TO ANYONE, CITIZEN OR NON-CITIZEN, WHO BELIEVES HIMSELF TO BE IN DANGER. THE DIFFERENCE BETWEEN POLITICAL ASYLUM AND TEMPORARY REFUGE IS THAT, A PERSON GRANTED TEMPORARY REFUGE MUST LEAVE THE EMBASSY AS SOON AS CIRCUMSTANCES PERMIT AND FACE ANY LEGAL PROCEEDINGS WHICH MAY BE PENDING.

IN FEBRUARY TWO PERSONS WHO WERE CONCERNED FOR THEIR SAFETY AND WHO CLAIMED AMERICAN CITIZENSHIP SOUGHT THE ASSISTANCE OF THE EMBASSY.

THE EMBASSY ACCEPTED THE RESPONSIBILITY FOR THEIR TEMPORARY PROTECTION WHILE IT EXPLAINED TO THEM THAT IF THEY WISHED TO OBTAIN POLITICAL ASYLUM THEY WOULD HAVE TO DO AT AN EMBASSY WHICH COULD CONFER THAT STATUS. FOLLOWING THEIR DECISION TO SEEK POLITICAL ASYLUM IN ANOTHER EMBASSY, UNITED STATES OFFICIALS MADE SURE THAT THEIR VOLUNTARY DEPARTURE FROM OUR EMBASSY OCCURRED UNDER THE SAFEST POSSIBLE CONDITIONS. THIS WAS IN KEEPING WITH OUR HUMANITARIAN CONCERN FOR THEIR SAFETY. IT IS OUR UNDERSTANDING THAT IN DUE COURSE THESE PERSONS RECEIVED POLITICAL ASYLUM AND LEFT NICARAGUA. IN CLEAR CONTRAST TO THE CASE OF THE YOUTHS SEEKING POLITICAL ASYLUM, IN JANUARY 1978 AMERICAN CITIZENS SOUGHT TEMPORARY REFUGE AT THE U.S. EMBASSY BECAUSE THEY FEARED FOR THEIR SAFETY AS A RE-LIMITED OFFICIAL USE

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SULT OF RIOTING FOLLOWING THE ASSASSINATION OF DR. PEDRO JOAQUIN CHAMORRO. AFTER THE EMBASSY WAS ASSURED BY THE NICARAGUAN GOVERNMENT THAT THEY WERE FREE TO STAY IN NICARAGUA OR LEAVE THE COUNTRY, AND THAT NO LEGAL PROCEEDINGS WERE PENDING, THEY VOLUNTARILY LEFT THE EMBASSY. THE EMBASSY UNDERSTANDS THAT THEY SUBSEQUENTLY LEFT THE COUNTRY. AT THE TIME THESE U.S. CITIZENS LEFT THE EMBASSY AND DEPARTED FROM NICARAGUA NONE WAS IMPLICATED IN THE ASSASSINATION OF DR. CHAMORRO.

THE POLICY OF THE USG IN THESE MATTERS IS CONSISTENT AND IN NO WAY CONSTITUTES ANY DISCRIMINATION AGAINST ANY PERSON OR CLASS OF PERSONS.

END TEXT.

4. ACTION REQUESTED: EMBASSY REQUESTS IMMEDIATE REVIEW OF THE TEXT AND APPROVAL OF ITS RELEASE.

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Message Attributes

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